

Agenda Item	5.1
Report No	PLN/002/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 22 January 2019
Report Title: 17/05940/FUL: Mr William MacAskill
Land 25M South Of Cromlus 6 Struanmore Struan
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: **Erection of two dwelling houses for holiday letting purposes**

Ward: **10 - Eilean A' Cheò**

Development category: **Local**

Reason referred to Committee: **Member Referral**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to Refuse planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of two 2 bed roomed residential properties, which the applicant has indicated will be used for holiday letting purposes. The houses are of one design; single storey, with a profiled metal roof and vertical timber weatherboard cladding to the walls. The development includes the installation of a private drainage system along with a section of private driveway.
- 1.2 Access to the application site is via an existing driveway that serves the neighbouring house which lies to the north; known as Cromlus. No other services are visibly present on the site. The third party contribution received from Cromlus suggests that there is an existing septic tank that serves this property within the application site.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Private access checklist and general statement from agent.
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site shares a boundary to the north with the neighbouring property Cromlus. This shared boundary extends the full frontage and southern boundary of Cromlus. The main part of the site consists of land which is relatively flat with a gentle rise across the depth of the site from east to west. There are a number of individual specimen trees within the site boundary. There is no evidence that the land is in use other than as storage for disused vehicles and general domestic paraphernalia. The majority of the site is enclosed by a post and wire fence, the exact position of which may not accurately reflect the extent of the landholding consequently land beyond the fence is included within the red line application boundary. Further comment on this matter is set out in the main body of the report below.

3. PLANNING HISTORY

- 3.1 01/00150/OUTSL Erection of house (In Outline) Approved by Committee 10.11.2003.
- 3.2 17/05941/FUL Erection of 4 residential properties for holiday letting purposes , formation of access and installation of septic tank. Permission Granted 23 August 2018. Planning Permission by applicant for same design of property at land south of Croft 13 Struanmore Struan.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 19.01.2018
Representation deadline: 02.02.2018
Timeous representations: 3 separate addresses.

- 4.2 Material considerations raised are summarised as follows:
- a) Loss of privacy to Cromlus, due to overlooking windows, noise and disturbance from residents of the units and associated traffic.
 - b) Lack of correct notification to Cromlus.
 - c) Previous permission was for a single property.
 - d) Capacity of road to accommodate construction traffic without further deterioration in the surface of the road.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Crofting commission:** The planned purpose of the site is a breach of a condition imposed on the apportionment in 1997 which indicates that the use of the site shall be amenity ground.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 34 - Settlement Development Areas
- 44 - Tourist Accommodation
- 47 - Safeguarding Inbye/AppORTioned Croftland
- 57 - Natural, Built & Cultural Heritage
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 West Highland and Island Local Plan 2012 (as continued in force)

Settlement Development Area Struan

6.3 West Highland and Island Local Development Plan (proposed plan May 2017)

Refer to Highland wide Local Development Plan

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Special Landscape Area Citations (June 2011) – North West Skye

7.2 Scottish Government Planning Policy and Guidance

A Successful, Sustainable Place - Supporting Business and Employment.

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) Siting and design.
 - c) Means of access.
 - d) Neighbouring residential amenity.

Development plan/other planning policy

- 8.4 The site falls within the Settlement Development Area for Struan and so Policy 34 and Policy 44 of the Highland-wide Local Development Plan apply. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. Policy 44 Tourist Accommodation also supports the provision of holiday letting accommodation within settlement development areas provided that the Council is satisfied that the proposals can be accommodated without adverse impact upon neighbour uses and compliance with policy 28.

Policy 28 sets out the requirements for development to be considered in terms of siting, layout, design and the impact on landscape qualities as well as their compatibility with public service provision and the impact on individual and community residential amenity.

- 8.5 Whilst it is recognised that the site lies within a settlement development area within which tourist development is generally supported, having regard to the provisions of the development plan policies, the overriding considerations in the assessment and determination of this application are the impact on the character of the area, access arrangements and the impact on the individual residential amenity of the neighbouring property Cromlus.
- 8.6 It is considered for the reasons set out below that the development fails to accord with Policy 28, 34 and 44 due to its siting and layout, means of access and the impact on the amenity of Cromlus.

Siting and Design

- 8.7 It is considered that the proposed development fails to reflect or respect the established character and existing pattern of development in the surrounding area. The Settlement Development Area in the vicinity of the site comprises of the three houses and a cluster of agricultural buildings that are served off the southern arm of the public road at Struanmore. The character of these properties is of individual houses with considerable space and open land between them. The separation distances between the neighbouring property Cromlus and the two other houses which lie to the north west and east is in excess of 40m in both cases.
- 8.8 The proposed development involves a development of greater density. The two units have a separation distance of 5m from each other and the most northerly unit is a maximum of 10 metres from the common boundary with the property Cromlus. Whilst this may be reasonable in other areas of the settlement it is considered that three residential units in such close proximity to each other does not respect the established character of houses in the vicinity of this site.
- 8.9 It is judged that the development would be detrimental to the character of the area as it fails to respect the existing pattern of development and therefore does not accord with policies 28, 35 and 44 of the Highland wide Local Development plan.
- 8.10 The existing houses in the area are generally one and half storey properties with a traditional appearance. The proposed units are single storey with timber cladding and metal profiled roofs. Whilst the appearance of the units is uninspiring and does not reflect that of the existing houses it is not considered that the design and finish of the units is such that this represents a ground of refusal in itself. Planning permission was granted on land owned by the same applicant at Croft 13 Struanmore in August 2017 for four units of the same design.

Means of Access

- 8.11 The two properties will take access via the driveway to the neighbouring property Cromlus. This driveway leads off the end of the public road. Thereafter, access to the development will be across the frontage of Cromlus by the formation of a new section of driveway on land under the control of the applicant. The route of the access reflects that identified in the previous permission for a single house granted in 2003. Ref 1/00150/OUTSL. The number of vehicles associated with two residential units used for holiday letting purposes would be 100% more than that associated with a single house. Although the access arrangements do not raise road safety issues, it is considered that the route of the access, which would involve vehicles passing along the full length of the frontage to Cromlus, is inappropriate to serve two properties due to the impact the use of the access would have on the amenity of Cromlus.

Neighbouring residential amenity

- 8.12 The neighbouring property Cromlus currently enjoys a high level of amenity with low background noise levels given its relatively isolated location and the separation distance between it and the nearest properties which are located 60m, or thereby, to the east and circa 40m to the north west and also by virtue of its location at the end of the public road.
- 8.13 It is considered that the proposed development would have an adverse impact on the privacy and general amenity of Cromlus by virtue of the noise that would emanate from vehicles associated with two holiday letting properties; the starting and revving of engines, opening and closing of doors and manoeuvring, as well as the comings and goings of the occupants in addition to the disturbance caused from headlights shining into the front windows of Cromlus from the driveway.
- 8.14 All of these elements are considered to undermine the amenity and current enjoyment of the neighbouring property. In addition although there is no direct inter-visibility between windows of the existing house and the holiday letting properties proposed, it is considered that the proximity of the northern holiday letting property, which would lie within circa 13m of a window on the south gable elevation of Cromlus would lead to an additional loss of amenity.

Other material considerations

- 8.15 It is acknowledged the previous historic planning permission granted permission for a single house in this location and that as part of that approval the same means of access was proposed. This application was approved by committee contrary to recommendation by the Planning Service. During the processing of the current application the applicant has been invited to amend the application to a proposal reduce this to a single unit. The applicant has declined to do this.
- 8.16 Ownership of the whole extent of the application site has been questioned by the Crofting Commission, the local grazing committee as well as the neighbouring property Cromlus. The applicant submitted a landownership certificate at the time of lodging the planning application declaring that no other party had an interest in the land. This has been challenged in the comments received from the above parties who consider that the application site includes land which is common grazing that was not apportioned in 1997. The Planning Service has sought clarification from the applicant regarding this matter. The applicant has responded that what is marked on the apportionment plan, which he considers to be indicative only, does not match with the boundary fences on site which he suggests were agreed under the apportionment. It appears therefore that there is a dispute between the respective parties regarding these boundaries. The applicant has reaffirmed that the legal declaration relating to land ownership is correct. This represents a civil matter and is not a material planning consideration and does not preclude determination of the application as submitted.

Non-material considerations

- 8.17 The condition of the existing septic tank and whether it is polluting the common grazing land requires to be investigated by Environmental Health and /or SEPA. The relocation of the septic tank is a civil legal matter and is not a material consideration in the determination of the planning application.

9. CONCLUSION

- 9.1 The proposals are considered to have an unacceptable impact on the residential amenity of the neighbouring property Cromlus 6 Struanmore and furthermore it is considered that the siting and layout of the development is not compatible with the existing pattern of development. The proposals fail to accord with the development plan polices 28, 34 and 44.
- 9.2 The applicant was encouraged to revise the proposals to a single property, however this suggestion has not been pursued by the applicant.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1.	The development is contrary to Policies 28, 34 and 44 of the Highland wide Local Development Plan as the proposal fails to demonstrate sensitive siting which is compatible with the existing pattern of development. In particular the construction of two residential properties for holiday letting purposes in such close proximity to each other and the neighbouring property Cromlus does not respect the established character of the immediate area.
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| 2. | The development is contrary to Policies 28, 34 and 44 of the Highland wide Local Development Plan as the erection of two residential properties for holiday letting purposes would have an adverse impact on the neighbouring residential property Cromlus. In particular the means of access and the separation distance would result in a loss of amenity due to noise and disturbance from vehicles and occupiers of the development. |
|----|--|

Signature: Dafydd Jones

Designation: Acting head of Development Management

Author: Erica McArthur

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

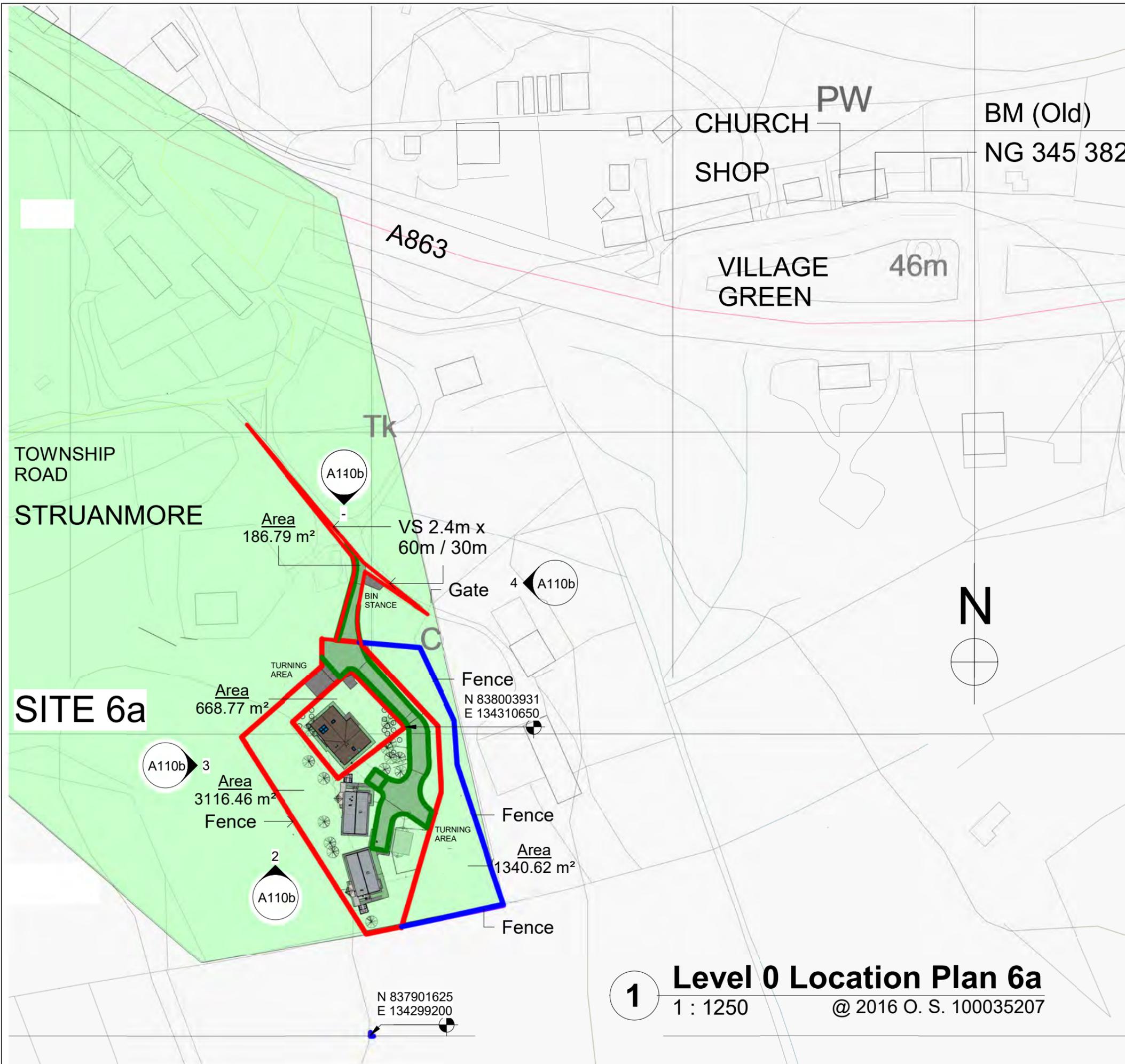
- Plan 1 - Site Location and layout A100b
- Plan 2 - Site Services A112a
- Plan 3 - Elevations A110a
- Plan 4 - Ground Floor Plan A102



Planning & Development
Service

17/05940/FUL

Erection of two residential properties for holiday letting purposes
at Land at 6 Struanmore, Struan



The documents are provided as part of **preparing the design** and are only to be used for the project specified.
 The documents are **to be augmented (& amended)** for preparing and progressing the build - no liability will be accepted for any omissions within the documents where used for the build.
 Do not scale from drawn information. All sizes to be checked and verified on site by all parties carrying out the works. **All construction work to be carried out to the entire satisfaction of all Statutory Bodies**; e.g., regulatory permissions to be in place for compliance with The Building (Scotland) Regulations & Planning Legislation as currently amended.



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 Through Local Resources*

Mr. & Mrs. MacAskill

Struanmore IV56 8FG

A100b Location Site 6A

Date	Issue Date	Drawn by	Author
Project number	SK 305	Scale	1 : 1250

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GRAPHIC SCALE (m)



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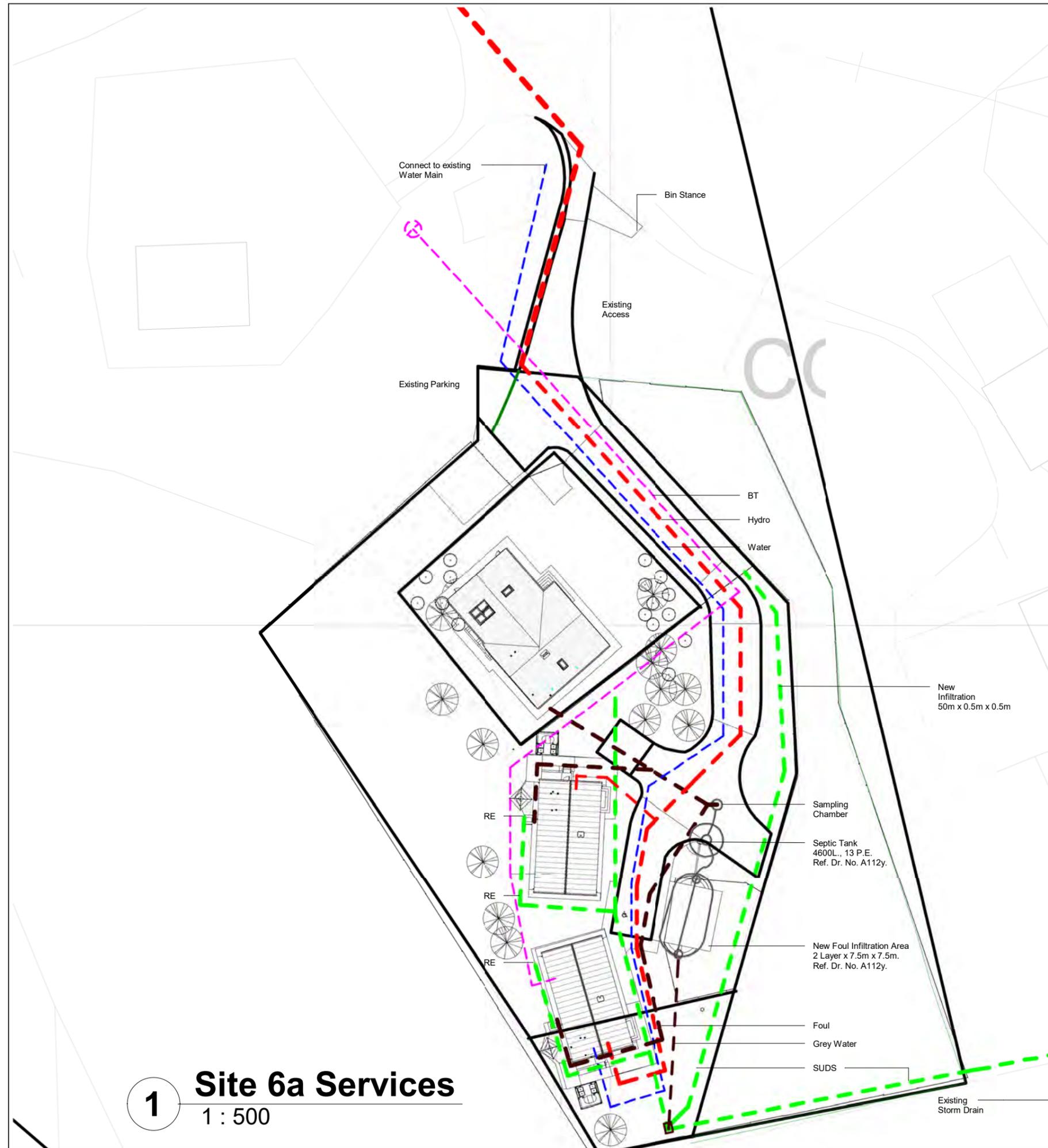
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A112a Site 6a Services

Date	Issue Date	Drawn by	Author
Project number	SK 305	Scale	1 : 500

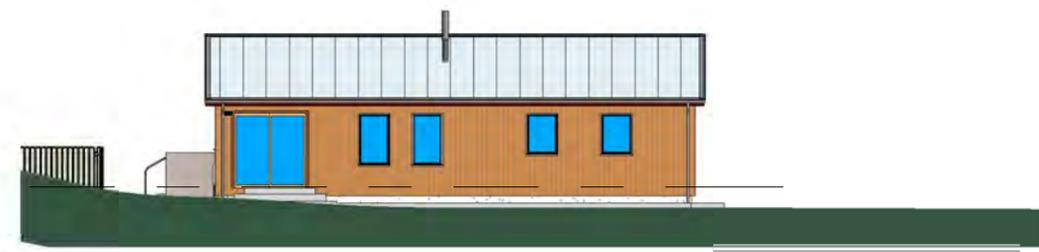


1 Site 6a Services
1 : 500

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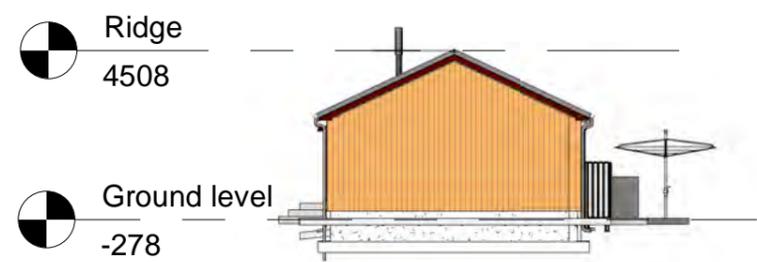


1 North Elevation
1 : 200

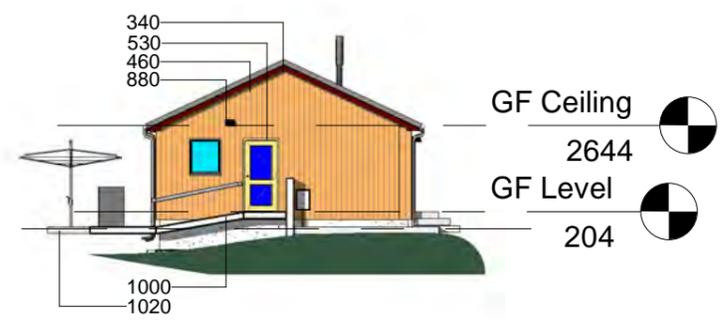


2 South Elevation
1 : 200

GF Level
204

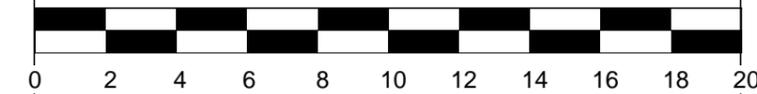


4 West Elevation
1 : 200



3 East Elevation
1 : 200

GRAPHIC SCALE (m)



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6a Struanmore IV56 8FG

A110a Elevations (Building)

Date	18th October 2017	Drawn by	Author
Project number	SK 305	Scale	1 : 200

Key Value	Keynote Text
340	PROFILED STEEL DOUBLE PITCH WARM ROOF COVERING
460	TIMBER FRAME EXTERNAL WALL WITH VERTICAL TIMBER WEATHERBOARD CLADDING
530	EXTERNAL PVCU DOORSET
880	EMERGENCY LIGHTING SYSTEM
1000	IN SITU CONCRETE EXTERNAL LANDINGS, RAMPS & CHANNELS
1020	LOOSE LAID CHIPPINGS SURFACE

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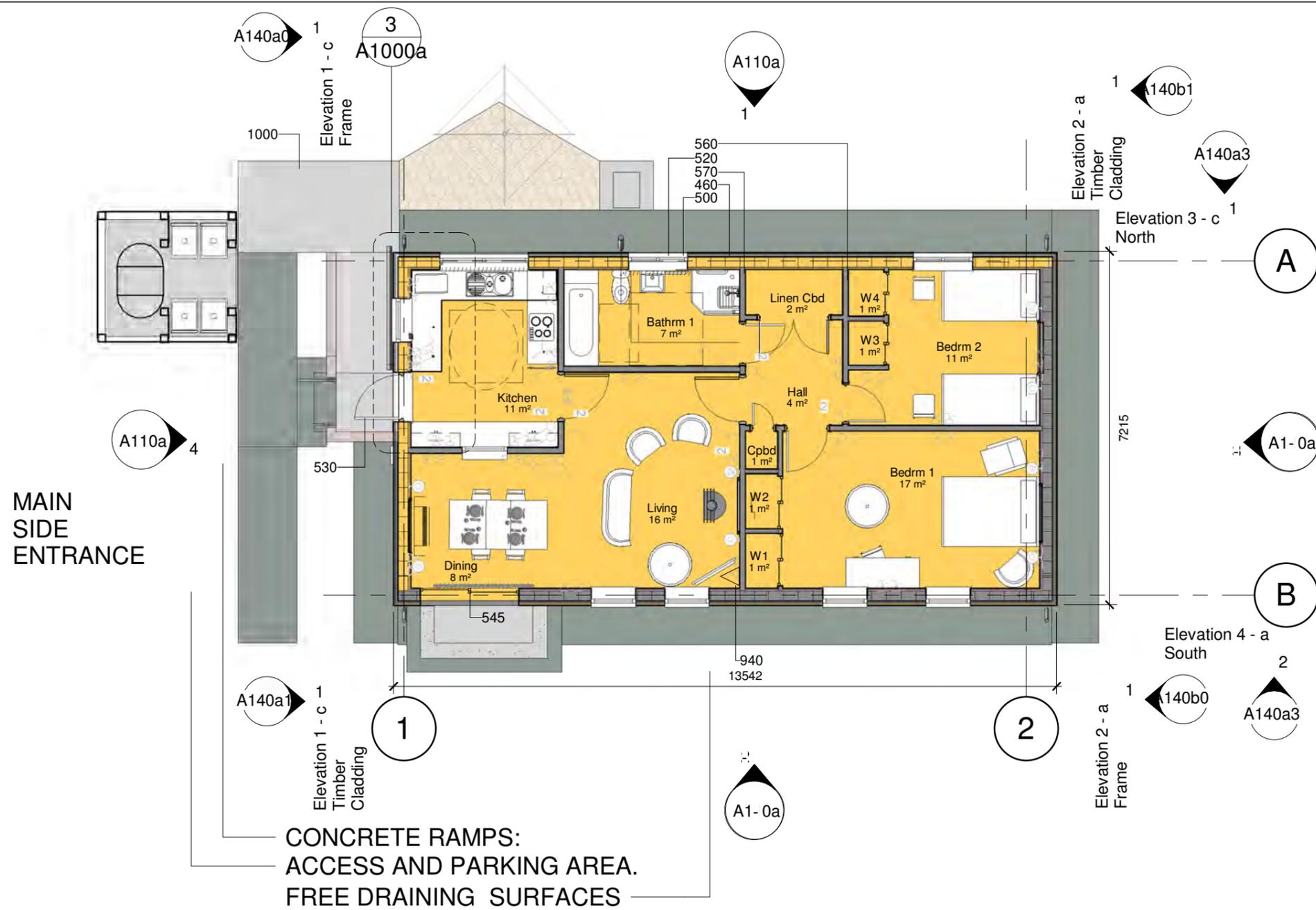
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A102 GF Plan

Date	18th October 2017	Drawn by	Author
Project number	SK 305	Scale	1 : 100



1 GF Level
1 : 100

Key Value	Keynote Text
460	TIMBER FRAME EXTERNAL WALL WITH VERTICAL TIMBER WEATHERBOARD CLADDING
500	WINDOW OPENING IN WALL
520	PROPRIETARY PVCU WINDOWS
530	EXTERNAL PVCU DOORSET
545	EXTERNAL PVCU SLIDING PATIO DOOR
560	INTERNAL PARTITION TYPE 1A (ACOUSTIC & FIRE)
570	INTERNAL PARTITION (GENERAL)
940	DATA OUTLETS
1000	IN SITU CONCRETE EXTERNAL LANDINGS, RAMPS & CHANNELS

Room Schedule1							
Number	Name	Level	Limit Offset	Unbounded Height	Area	Volume	Perimeter
4	Dining	GF Level	2438	2438	8.41	20.51	11.62
5	Kitchen	GF Level	2438	2438	10.95	26.63	13.30
6	Linen Cbd	GF Level	2438	2438	1.84	4.49	5.83
7	Bedrm 1	GF Level	2438	2438	16.75	40.84	16.87
8	Bedrm 2	GF Level	2438	2438	10.73	26.17	14.17
12	Bathrm 1	GF Level	2438	2438	7.12	17.37	11.15
16	Hall	GF Level	2438	2438	4.32	10.53	8.32
18	W1	GF Level	2438	2438	0.75	1.84	3.59
19	W2	GF Level	2438	2438	0.75	1.84	3.59
20	W3	GF Level	2438	2438	0.66	1.61	3.27
39	Cpbd	GF Level	2438	2438	0.52	1.27	2.89
40	W4	GF Level	2438	2438	0.68	1.67	3.34
41	Living	GF Level	2438	2438	15.95	38.81	16.09
GF Level: 13					79.45	193.57	114.02
31	Eaves Cbd 1	Roof Void	1500	1500	6.59	5.59	11.07
Roof Void: 1					6.59	5.59	11.07
Grand total: 14					86.04	199.16	125.09